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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,961	02/08/2000	Martin Tobias	53326-016	1957

7590 03/10/2004  
Brett C Martin  
1650 Tysons Boulevard  
McLean, VA 22102

EXAMINER
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MEI, XU

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/10/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/499,961	<b>Applicant(s)</b> TOBIAS ET AL.	
	<b>Examiner</b> Xu Mei	<b>Art Unit</b> 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4, 5, 8</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tso et al (US-6,185,625).

Regarding claims 1 and 8, Tso discloses a method for a computer-readable medium for carrying out steps for encoding digital information, including a capturing unit that is capable of capturing media program information from a storage medium (computer or network client 3 is capable of capturing media program information, i.e., data or object) to produce a media program file; a storage unit (memory units within the network client's computer) that maintains the captured program file (data or object that inherently included metadata or any type of data) and with an encoding request information to identifies a

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set of one or more encoding formats that are used to encode a particular media program file; a server (i.e., remote scaling service) connected to the storage unit (network client) that is configured to received the encoding requests and enable user to selecting a sets of encoding engines to encode the media file in one or more encoding formats (encoding manager 7) ; the remote scaling ser is configured to retrieve the media file or object from the network client using remote proxy, encode the information or object according to the request using an encode service provide, and transmit the encoded media file or object back to the network client using remote proxy (see embodiments of Figs. 1-4 and their descriptions).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso as discussed in claim 1 above, in view of Oka et al (US-6,615,252).

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Regarding claims 2 and 9, Tso disclosed the method for encoding digital information as discussed above that also including a user interface enabling the user to establish an encoding preference (Fig. 3). What's not taught by Tso is the method further including steps for associating the media program file or object with a unique Master\_ID.

Oka discloses an on-demand system for serving multimedia information in a format adapted to a requesting client that including means registering multimedia materials (i.e., media files) and assign IDs as an identifier for identifying the registered multimedia materials (see Figs. 3-4 and col. 6, lines 18-col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combines the teaching of Oka by modifying the media files or objects of Tso by registering different media files and assigning unique IDs or Master\_ID as an identifier in order to identifying the different media files.

Regarding claims 3-4, and 10-11, see also Figs. 3 of Tso and its descriptions.

5. Claims 5-7 and 12-~~14~~ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

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in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 15 is allowed over prior art of record.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis, Tso et al (US-6,421,733), Kowalski et al, Sahai et al, Kagle et al, Parnes, Sena et al, and Min et al are made of record here as pertinent art to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 703-308-6610. The examiner can normally be reached on Monday-Friday (9:30-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Xu Mei  
Primary Examiner  
Art Unit 2644  
03/02/2004